

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8892 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

and

Hon'ble MR.JUSTICE N.G.NANDI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

DAKSHESH B DHRUV PRACTICING SOLICITOR & ADVOCATE

Versus

UNION OF INDIA

Appearance:

MR AMAR N BHATT for Petitioner

Mr.H.S.Shukla for MR MUKESH R SHAH for Respondent No. 1

CORAM : MR.JUSTICE M.R.CALLA

and

MR.JUSTICE N.G.NANDI

Date of decision: 18/06/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

Rule. Mr.H.S.Shukla waives service of rule on behalf of the respondent. Learned Counsel for the parties have submitted that this petition involves short question and the petition should be decided at this

stage.

2. The petitioner, a practising lawyer at Bombay, was a professional Director of M/s Aruna Mills Ltd, Ahmedabad, and his case is that he had resigned from the office of the professional Director on 13.11.1991, and the Company also wound up on 5.7.1993.

3. The order dated 7.9.1999 was passed by the office of the Joint Director General of Foreign Trade, Ministry of Commerce, Govt.of India, New Delhi imposing penalty of Rs.19,06,460/- on the Company as well as its Directors, including the present petitioner. It is submitted that this order dated 7.9.1999 has been passed without giving any opportunity to the petitioner and without giving any notice before passing the order.

4. The factual position that no notice was given and the order was passed without affording any opportunity to the petitioner is not disputed by the learned counsel for the respondent.

5. In that view of the matter, the impugned order dated 7.9.1999 deserves to be set aside on this ground alone, and the matter is required to be remanded back to the author of the impugned order, dated 7.9.1999 for passing order afresh in accordance with law after affording reasonable opportunity to the petitioner. Ordered accordingly. This Special Civil Application is allowed as above and the rule is made absolute to the above extent. In the facts and circumstances of the case, there is no order as to costs.

18.6.2001 (M.R.CALLA, J)

(N.G.NANDI, J)